

Settlement/Hearing Date: May 23<sup>rd</sup>, 2018  
Time: 10:30 A.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**ROY ALBERS,**

Chapter 13  
Case No. 15-22732 RDD

Debtor

**NOTICE OF SETTLEMENT**

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**PLEASE TAKE NOTICE**, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 23<sup>rd</sup> day of May, 2018 at 10:30 A.M. in the Judge's Chambers, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

**PLEASE TAKE FURTHER NOTICE**, that Hearings on Objections, if any, to be conducted same place, date and time. Written objections or counterorders, must be submitted to chambers no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York  
April 11<sup>th</sup>, 2018

/s/ Krista M. Preuss  
**Krista M. Preuss (KMP7299)**  
**Chapter 13 Trustee**  
**399 Knollwood Road**  
**White Plains, New York 10603**  
**Chapter 13 Tel. 914-328-6333**

**TO:** Roy Albers  
11 Flanders Lane  
Cortlandt, New York 10567

H Bruce Bronson, Jr., Esq.  
480 Mamaroneck Avenue  
Harrison, New York 10528

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 15-22732 RDD

**ROY ALBERS,**

Debtor  
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**ORDER DISMISSING CHAPTER 13 CASE**

The chapter 13 trustee having moved, on due notice, for an order dismissing this chapter 13 case; and, upon the motion and the record of the May 23, 2018 hearing thereon, the Court having found that the above-captioned debtor has failed to comply with 11 U.S.C. §1307(c)(1) and (c)(6) and the Order Confirming Plan dated November 16, 2017 directing the debtor to remit monthly payments according to the chapter 13 plan, and the debtor failing to comply therewith, and being at this time in material arrears with plan payments to the trustee; and good cause appearing,

**IT IS ORDERED THAT:**

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case

Dated: White Plains, New York  
May , 2018

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**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 15-22732 RDD

**ROY ALBERS,**

**TRUSTEE'S AFFIDAVIT**

Debtor  
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STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) ss.:

Krista M. Preuss, being duly sworn, deposes and says:

1. She is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on May 23<sup>rd</sup>, 2015.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307 (c ) (1) and (c )(6).
4. The debtor has failed to comply with the Order Confirming Plan dated November 16<sup>th</sup>, 2017 whereby the debtor must remit monthly payments to the trustee in the sum of \$500.00 for 21 months and \$225.00 for 39 months plus tax refunds in excess of \$1,500.00 for the duration of the plan.
5. The debtor has paid the trustee to date the sum of \$12,300.00.
6. The debtor is \$1,125.00 in arrears in plan payments to the trustee.
7. There exists a material default in this confirmed plan.
8. The delay created by the debtor is prejudicial to creditors.

**WHEREFORE**, the trustee respectfully requests that the annexed order dismissing this case, be signed.

/s/ Krista M. Preuss  
**Krista M. Preuss**

Sworn to before me this  
11<sup>th</sup> day of April, 2018

/s/ Jody L. Kava  
Jody L. Kava  
Notary Public, State of New York  
No. 02KA4836806  
Qualified in Westchester County  
Term Expires: 10/31/21

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
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**ROY ALBERS,**

Debtor

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**CERTIFICATE OF SERVICE**

Lois Rosemarie Esposito, hereby certifies:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester , State of New York.

On April 11<sup>th</sup>, 2018 I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

**TO:** Roy Albers  
11 Flanders Lane  
Cortlandt, New York 10567

H Bruce Bronson, Jr., Esq.  
480 Mamaroneck Avenue  
Harrison, New York 10528

/s/ Lois Rosemarie Esposito  
**Lois Rosemarie Esposito**